

REMARKS

In the Office Action mailed August 21, 2007, the Examiner took the following actions:

1. rejected claims 1-3, 5, 11, and 12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,035,856 by *Morimoto* ("*Morimoto*");
2. rejected claims 4, 6-10, 13, 16, 20, and 29 under 35 U.S.C. § 103(a) as being unpatentable over *Morimoto* in view of US Pub. No. 2002/0029202 by *Lopez* ("*Lopez*");
3. rejected claims 14, 15, 17-19, 21, 22, 25, 28, and 30 under 35 U.S.C. § 103(a) as being unpatentable over *Morimoto* in view of U.S. Patent No. 6,634,551 by *Barta et al.* ("*Barta*");
4. rejected claims 23 and 24 under 35 U.S.C. § 103(a) as being unpatentable over *Morimoto* in view of *Barta* and further in view of U.S. Patent No. 6,539,360 by *Kadaba* ("*Kadaba*"); and
5. rejected claims 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over *Morimoto* in view of *Barta* and further in view of U.S. Pub. No. 2003/0233190 by *Jones* ("*Jones*"). Claims 1-30 are currently pending and under examination.

Rejections under 35 U.S.C. §§ 102 and 103

In the Office Action, the Examiner rejected claims 1-30 under 35 U.S.C. §§ 102(e) and 103(a) based on *Morimoto* and other references. Pursuant to 35 U.S.C. § 102(e), the earliest prior art date of *Morimoto* is September 28, 2000.

While Applicants disagree with the reasoning of the rejections under 35 U.S.C. §§ 102 and 103, the rejections should also be withdrawn because Applicants' invention was conceived and reduced to practice before the relevant, effective date of *Morimoto* (September 28, 2000), as evidenced by the declarations submitted herewith.

The Declarations

To expedite examination, Applicants submit herewith three Declarations Under 37 C.F.R. § 1.131 by each of the named inventors and one Declarations Under 37 C.F.R. § 1.131 by the working attorney, which, pursuant to 37 C.F.R. § 1.131, establishes a conception, before September 28, 2000, of the invention disclosed in U.S. provisional patent application No. 60/239,926, upon which this application is based. The filing of U.S. provisional patent application No. 60/239,926 on October 13, 2000, constitutes constructive reduction to practice of the invention claimed in the instant application. The declarations also establish diligence in achieving reduction to practice of the invention for a period beginning prior to September 28, 2000, the effective date of *Morimoto* and extending through October 13, 2000, the filing date of U.S. provisional patent application No. 60/239,926.

In view of the declarations submitted herewith, it is respectfully submitted that *Morimoto* cannot be relied upon as prior art against claims 1-30, and that the rejections of these claims under 35 U.S.C. § 102(e) and 103(a) should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: _____

Sherry X. Wu
Reg. No. 54,553

Dated: February 21, 2008

**Attachments: Four Declarations under 37 C.F.R. § 1.131
Exhibits A, B, C, D, and E**